AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicants:	Vinod Jayaraman et al.	§	Art Unit:	2682
Serial No.:	09/687,657	§	Examiner:	Eugene Yun
Filed:	October 13, 2000	§		
Title:	Mobile Information Acquisition System	§	Docket No.	NTC.0003US

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Commissioner for Patents
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Alexandria, Virginia 22313-1450

REPLY BRIEF

Dear Sir:

The following reply is submitted to the Examiner's Answer.

Regarding the rejections of independent claims 1 and 26, the Examiner contends that the language that proceeds the language "a mobile unit to" sets forth an "intended use" and therefore refuses to assign any patentable weight to this language. Examiner's Answer, 12. Therefore, in effect, the Examiner is reducing each of claims 1 and 26 to a mere collection of parts. In other words, the Examiner is effectively contending that claim 1 merely recites a mobile unit, a client and a remote server; and claim 26 merely recites mobile units, a client and at least one remote server.

Date of Deposit February 1, 2005
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Mail Stop Appeal Briefs-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Fred G. Pruner, Jr.

Contrary to the Examiner's construction of independent claims 1 and 26, the Federal Circuit has stated it is improper to delete functional language from a claim in performing an invalidity determination under Section 102. *Pac-tec, Inc. v. Amerace Corporation*, 14 USPQ2d 1871, 1876 (Fed. Cir. 1990). The *Pac-tec* court rejected a construction of claims that eliminated functional limitations so that the claims were reduced to a mere collection of parts. *Id.* That is exactly what the Examiner is attempting to do, namely, ignore specific recitation of elements in independent claims 1 and 26 so that each of these claims is in effect a collection of parts.

The alleged "intended use" language of claims 1 and 26 describes the actions taken by the mobile unit and interrelates these actions to the other elements of the claims. Thus, the language that is conveniently ignored by the Examiner defines the mobile unit, not the intended use of the mobile unit. *See, In re Venezia*, 189 USPQ 149, 151-152 (CCPA 1976) (stating "there is nothing wrong in defining the structures of the components . . . in terms of the interrelationship of the components").

Therefore, when the language of independent claims 1 and 26 is properly construed and expressly recited words of these claims are given the weight that they are due, it becomes clear the Examiner has failed to establish a *prima facie* case of obviousness, as the argument that is set forth in the Examiner's Answer is an implicit admission that the hypothetical combination of references fails to teach or suggest the mobile unit of either claim 1 or 26.

Regarding claims 32 and 41, the hypothetical combination of references fails to teach or suggest automatically labeling information with the location of a mobile unit, as

recited in line four of claim 32 and in lines 6 and 7 of claim 41. As recited in line 2 of claim 32, the information is acquired about a region near the mobile unit; and as recited in lines 2 and 3 of claim 41, the mobile unit is used to acquire information about a different region near the mobile unit. Therefore, the Examiner's argument that Applicant is attempting to read limitations from the specification into the claims is specious.

As set forth in the Appeal Brief, Corwith (relied on by the Examiner) fails to teach or suggest the automatic labeling that is expressly set forth in independent claims 32 and 41. In the Examiner's Answer, it appears the Examiner contends that the location coordinates of Corwith disclose the "acquired information" of claims 32 and 41. Examiner's Answer, 13. However, with this reading of Corwith, Corwith would need to teach "automatically labeling a location with a location" to teach or suggest the relevant claim limitations. Applicant points out that in Corwith, the location of the mobile caller is used for purposes of an emergency situation, not for purposes of automatically labeling information acquired from a mobile unit with the location of the unit.

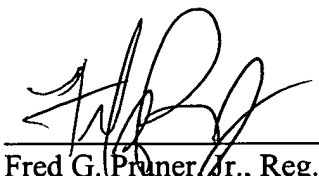
Regarding the rejections of claims 2, 27 and 33, the Examiner fails to consider the specific claim limitations. To summarize, there is no discussion in Havanis, regarding information that is acquired from a mobile unit about a region near the mobile unit. An identification of a mobile station is not the same as information about a region near the mobile station. Without such as disclosure, Havanis cannot teach or suggest filtering this information.

Regarding claims 6 and 8, Applicant points out that contrary to the Examiner's position, the Abstract of Havinis fails to teach or suggest the limitations that are presented by these claims.

Regarding claims 31 and 46, the Examiner has failed to establish a *prima facie* case of obviousness, as set forth in the Appeal Brief.

Thus, Applicant requests that each of the final rejections be reversed and that the claims subject to this appeal be allowed to issue. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (NTC.0003US).

Respectfully submitted,



Date: February 1, 2005

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APPENDIX OF CLAIMS

The claims on appeal are:

1. A system comprising:

a mobile unit to:

acquire information about a region near the mobile unit,

determine a location of the mobile unit,

automatically label the information with the location of the mobile unit, and

transmit an indication of the information and location;

a client; and

a remote server to communicate with the mobile unit to receive the indication from the mobile unit and communicate at least some of the information to the client.

2. The system of claim 1, wherein the client furnishes a request to the remote server for specific criteria and the remote server filters the information based on the specific criteria before communicating said at least some of the information to the client.

3. The system of claim 2, wherein criteria comprises one selected from a set consisting essentially of a time, a date, a position and an identifier identifying the mobile unit.

4. The system of claim 1, wherein the mobile unit comprises a global positioning system receiver to determine the location of the mobile unit.

5. The system of claim 1, wherein the mobile unit determines the location by using a triangulation technique based on locations of the cellular networks base stations.

6. The system of claim 1, wherein the mobile unit acquires the information automatically pursuant to a set schedule.

7. The system of claim 1, wherein the mobile unit acquires the information in response to a manual request.

8. The system of claim 1, wherein the information comprises at least one of a picture, a sound, text, a weather condition, a brightness level and a noise level.

9. The system of claim 1, wherein the information comprises location specific information.

10. The system of claim 1, wherein the indication is communicated to the remote server via a wireless network.

11. The system of claim 1, wherein the remote server communicates with the client via a wired network.

12. The system of claim 1, wherein the mobile unit comprises:

a memory storing configuration data.

13. The system of claim 12, wherein the configuration data includes parameters that regulate the acquisition of data by the mobile unit.

14. The system of claim 13, wherein the parameters regulate at least one of a nature of data acquisition and a frequency of data acquisition by the mobile unit.

15. The system of claim 12, wherein the configuration data includes parameters that regulate the transmission of the indication of the information and location by the mobile unit.

16. The system of claim 15, wherein the parameters regulate at least one of a location of the remote server and a frequency at which the collected data should be synchronized with the remote server.

17. The system of claim 1, wherein the mobile unit comprises:

a first memory to store first configuration data that is communicated from a remote source to the mobile unit; and

a second memory to store second configuration data local to the mobile unit for use if the source cannot be accessed to retrieve the first configuration data.

18. The system of claim 17, wherein if the remote source cannot be accessed by the mobile unit, the mobile unit uses the second configuration data to regulate the acquisition of the information and the transmission of the indication of the information and the location until the source can be accessed.

19. The system of claim 17, where the mobile unit compares the second configuration data with the first configuration data and if the first and second configurations are different, then mobile unit updates the second configuration data with the first configuration data.

20. The system of claim 17, wherein the mobile unit is adapted to receive a directive from the source to modify the first configuration data and the mobile unit modifies the first configuration data in response to third configuration data provided by the source.

21. The system in claim 1, wherein mobile unit is adapted to transmit the data automatically transferred pursuant to one of a pre-scheduled time, a timeout interval, or an amount of data that has been collected.

22. The system of claim 1, wherein the mobile unit is adapted to transmit the indication of the information and the location asynchronously after the acquisition of the information.

23. The system of claim 22, wherein the mobile unit is adapted to base the transmission on at least one of a set time schedule, a number of data sets collected, a condition of the network, or an amount of data collected.

24. The system of claim 1, wherein the mobile unit is adapted to attempt to establish connection with the server at regular intervals of time if a communication between the mobile unit and the server is disrupted, and the mobile unit transmit the information to the server when the server is available to communicate with the mobile unit.

25. The system of claim 1, wherein the mobile unit is adapted to resume a communication with the server is at a point where communication broke off should the communication be interrupted.

26. A system comprising:

mobile units, each mobile unit to:

acquire information about a different region near said each mobile unit,

determine a location of said each mobile unit,

automatically label the information near said each mobile unit with the location of said each mobile unit, and

transmit an indication of the information and location;

a client; and

at least one remote server coupled to the client to:

communicate with the mobile units to receive the indications from the mobile units; and

communicate at least some of the information to the client based on filtering parameters.

27. The system of claim 26, wherein

the client furnishes at least some of the filtering parameters to said at least one remote server.

28. The system of claim 26, wherein the filtering parameters comprise at least one of a mobile unit identifier, an acquisition time frame, a geographic location and moving information.

29. The system of claim 28, wherein the moving information comprises at least one of a direction and a speed.

30. The system of claim 26, further comprising:

a map server,

wherein the remote server uses the indications of locations from the mobile units to plot the locations on street maps that it obtains from the map server.

31. The system of claim 30, wherein the remote server presents at least one of the street maps to the client to permit the client to communicate a specific location to the remote

server and the remote server communicates information from a mobile unit closest to the specific location to the client.

32. A method comprising:

using a mobile unit to acquire information about a region near the mobile unit;

using the mobile unit to determine a location of the mobile unit;

automatically labeling the information with the location of the mobile unit;

communicating an indication of the information and location to a remote server; and

using the remote server to communicate at least some of the information to a client.

33. The method of claim 32, further comprising:

furnishing a request to the remote server for specific criteria; and

filtering the information based on the specific criteria before communicating the filtered information to the client.

34. The method of claim 33, wherein criteria comprises one selected from a set consisting essentially of a time, a date, a position and an identifier identifying the mobile unit.

35. The method of claim 32, wherein the communicating comprises:

acquiring the information automatically pursuant to a set schedule.

36. The method of claim 32, wherein the communicating comprises:

acquiring the information in response to a manual request.

37. The method of claim 32, wherein the information comprises one of a group consisting essentially of a pictures, a sounds, text, a weather condition, a brightness and a noise level.

38. The method of claim 32, wherein a size and quality of the indication of the information communicated to the remote server depends on parameters comprising at least one of a wireless channel quality, traffic conditions, wireless channel bit rate and a subscriber fee.

39. The method of claim 38, wherein the wireless channel quality is formed at least in part by at least one of a signal to noise ratio and a signal to interference ratio.

40. The method of claim 38, wherein the information comprises at least one of image data, audio data and video data.

41. A method usable with mobile units, comprising:

for each mobile unit, using the mobile unit to acquire information about a different region near the mobile unit,

for each mobile unit, associating a location of the mobile unit with the information acquired by the mobile unit;

for each mobile unit, automatically labeling the information acquired by the mobile unit with the location of the mobile unit;

communicating indications of the information and the associated locations to a remote server;

filtering the information based on filtering parameters provided by a client; and

providing the filtered information to the client.

42. The method of claim 41, wherein

the client furnishes at least some of the filtering parameters to said at least one remote server.

43. The method of claim 41, wherein the filtering parameters comprise at least one of a mobile unit identifier, an acquisition time frame, a geographic location and moving information.

44. The method of claim 41, wherein the moving information comprises at least one of a direction and a speed.

45. The method of claim 41, further comprising:

displaying a street map; and

identifying a location on the street map to develop at least one of the filtering parameters.

46. The method of claim 45, further comprising:

displaying the mobile units on the street map, wherein the size of each mobile object that is displayed on the map depends on an accuracy of a location detection unit of said each mobile object.

47. The method of claim 45, wherein the location detection unit comprises:

a GPS receiver.

48. The method of claim 46, wherein a size and a color of each mobile object that is displayed on the map depends on an age of information about said each mobile object.